

65005017 amd fnl

11

CARBONARO 1

REMARKS

This amendment is submitted in response to the office action of 6 December 2005 which considered all of pending claims 1 - 20 and rejected claims 1-20 under 35 U.S.C 102(e) as being anticipated by Janssen et al 2003/0157929 (Janssen). The
5 present amendment revises claims 1-20 and resubmits claims 1-20 for further consideration.

Response to the 35 U.S.C 102(e) rejections.

The rejection of claims 1-20 as anticipated by Janssen is respectfully traversed.
10 Janssen and the present invention both relate to the telephony and cell phone art. Janssen and the present invention also both relate to equipment that enables telephones of a residence (or small building) to make and receive calls over an external wireless (hereinafter cellular) network. Janssen discloses apparatus including cordless phones and other station devices in a residence for making and receiving calls over an
15 external cellular network using a cellular telephone as an interface in the residence. All calls made and received by the Janssen cordless phones are extended through the cellular phone to the external cellular network.

The present invention relates to a system that enables station devices, including non-cordless conventional landline telephones, to make and receive calls over an
20 external cellular network using a cell phone in the residence as an interface between the external cellular network and the non-cordless landline telephones of the residence. A distinction between the present invention and Janssen is that the present invention permits the use of any type of landline phone to be used; Janssen is limited to the use of cordless phones. This is a meaningful and dispositive distinction.

25 The Janssen system may be suitable for use in new homes provided they are not already equipped with existing phones. A new home may be equipped using the Janssen interface 105 and 330 of figure 3 together with the required number of Janssen cordless phones 220. The system of the present invention does not suffer from the Janssen requirement of being able to use only cordless phones. The present invention
30 permits the use of any type of landline phone including the venerable black phones that are adapted to be connected to a conventional tip and ring conductor pair. Most existing

65005017 amd fnl

12

CARBONARO 1

residences are equipped with the conventional non-cordless tip and ring landline phones. The present invention permits existing residences to use an external cellular network for their residential phone service. This is easily achieved by coupling each existing non-cordless landline phone to a simple wireless interface that communicates via a cell phone in the residence with the external cellular network. Janssen, by comparison, does not permit a homeowner to use his/her existing landline tip and ring phones and requires that the homeowner's existing phone system be discarded and replaced by the cordless phones of Janssen.

Claim is 1-20 have been revised to better distinguish from Janssen. Claims 1-20 have been amended to change each recitation of "landline station devices" to read "non-cordless landline station devices" or "non-cordless land line telephones". This change should clearly distinguish the present invention and its use of non-cordless landline station devices or telephones from the cordless phones of Janssen. It is believed that the above-discussed amendatory changes should clearly distinguish claims 1-20 from Jansen.

It is respectfully submitted that Janssen fails to anticipate the presently amended claimed invention. Janssen fails to meet the requirements of a 35 U.S.C. 102 reference. A review of section 2131 of the MPEP is instructive. Section 2131 states that to anticipate a claim, a 35 U.S.C. 102 reference must teach **every element of the claim**. Section 2131 further states that a claim is anticipated by a reference only if each and every claim element can be found either expressly or is inherently described in a single prior art reference. This well-known **every element rule** requires that the **identical invention** must be shown by the 35 U.S.C. 102 reference asserted to be anticipatory and must be in as complete detail as is contained in the claims being examined. The claimed elements must be arranged in the reference as recited by the claims.

Janssen does not meet the requirement of the amended claims, which recite **that the claimed landline phones be of the non-cordless type**. Non-cordless landline phones are not disclosed by Janssen. Rule 1.83 of 37 CFR states that the drawing of an application must show every feature recited by the claims. Janssen does not meet this requirement since it does not disclose non-cordless landline phones.

65005017 amd fnl

13

CARBONARO 1

C.A.F.C. decisions also address the issue of anticipation and require that the prior art must describe or embody the claimed invention in a single reference. The claimed elements must be either inherently or disclosed expressly and must be arranged as in the claim. For anticipation, there can be no difference between the
5 claimed invention and the reference disclosure. It is the claims that define the invention. And it is the claims, not applicant's specification or the results achieved, that must be anticipated by a single prior art reference.

Janssen is obviously not a 35 U.S.C. 102 anticipation of the amended claims. It should be further observed that the claim distinctions between Janssen's cordless
10 telephones and the applicant's non-cordless phones are non obvious when functional and operational differences are considered. The use of applicant's non-cordless phones, rather than Janssen's cordless phones, creates a whole new market for applicant's equipment by enabling homeowners to use their present phones when practicing applicant's invention rather than being required to discard their present phone
15 facilities when practicing Janssen invention. The distinctions between the two systems are non-trivial and non obvious and solve the problem created by Janssen.

65005017 and fnl

14

CARBONARO 1

It is respectfully submitted that all claims now an application are distinguishable from the sided art.

The Examiner is respectfully requested to call if the prosecution of the application can be expedited by so doing.

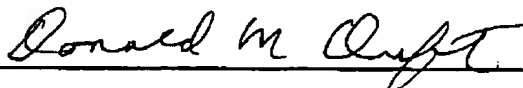
5

Respectfully submitted,

Date:

3 Feb 06

10

**SIGNATURE OF PRACTITIONER**

Donald. M. Duft, Reg. No. 17,484

Duft Borsen & Fishman LLP

Telephone: (303) 786-7687

Facsimile: (303) 786-7691

15

Correspondence address:**Customer Number: 50525**